

OGC REVIEW COMPLETED

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13 January 1956

MEMORANDUM FOR:

SUBJECT : Present Situation in Germany re Claims by  
Persecutees

There are two basic laws in Germany which provide compensation for victims of Nazi persecution, one of which may fit the circumstances of your problem.

a. Restitution of Identifiable Property:

United States Military Government Law No. 59, approved in 1947, and corresponding legislation in the French Zone which I understand closely parallels Law No. 59, was for the purpose of effecting the Restitution of identifiable property (tangible and intangible property and aggregates of tangible and intangible property) with certain limitations, "to persons who were wrongly deprived of such property within the period of 30 January 1933 to 8 May 1945 for reasons of race, religion, nationality, ideology or political opposition to National Socialism" (Art. 1, para. 1). The law required that petitions be filed by 31 December 1948, but by regulation this date was extended to June 30, 1950, according to Mrs. Irma Morgenthau, German Economic Affairs, Department of State. Mrs. Morgenthau also advised that the German Federal Government now has in process a bill which would authorize payment of the compensation which has been awarded under Law No. 59 and other restitution legislation and the Government is considering including in the bill a provision which would re-open the right to file petitions. The procedure prescribed by law No. 59 with the filing of claims with the Central Filing Agency and includes possible participation of the Restitution Agency and the Restitution Chamber (all three are German instrumentalities) plus, under the Contractual Agreements now in force, the Supreme Restitution Court (which is composed of German, French, British and American members and one other). The text of MG Law 59 is in Issue G of the Military Government Gazette, Germany-United States Area of Control (attached hereto), at page 1.

b. The (erst) German Federal Supplementary Law for the Compensation of Victims of National Socialist Persecution :

This law of the Federal Government also provides for compensation to Nazi persecutees, such persons being defined by

language similar to that of MG Law No. 59. See Article 1 of translation of the German Law, attached. The Law covers various types of damages and losses (Arts. 18, 19, 20, 21, 22, 23, apparently germane here), but excludes claims which fall within MG Law No. 59 (Art. 7). According to Article 91, claims must be filed by October 1, 1954, in the case of persons residing in Germany, and by October 1, 1955, in the case of "all other beneficiaries". This latter date has been extended to October 1, 1956, according to Mrs. Morgenthau, but she did not know whether the former date also has been changed. Procedure and administration, including judicial review, are entirely German.

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Assistant General Counsel

OGC/EHL:jc

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